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INTERGOVERNMENTAL NEGOTIATING COMMITTEE
FOR THE ELABORATION OF AN INTERNATIONAL
CONVENTION TO COMBAT DESERTIFICATION IN
THOSE COUNTRIES EXPERIENCING SERIOUS
DROUGHT AND/OR DESERTIFICATION,
PARTICULARLY IN AFRICA
Fourth session
Geneva, 21-31 March 1994
Agenda item 2

ELABORATION OF AN INTERNATIONAL CONVENTION TO COMBAT DESERTIFICATION IN COUNTRIES EXPERIENCING SERIOUS DROUGHT AND/OR DESERTIFICATION, PARTICULARLY IN AFRICA

Revised Negotiating Text of the Convention

Note by the Secretariat

Attached is a Revised Negotiating Text of the Convention. It reflects discussion in the two Working Groups of the Intergovernmental Negotiating Committee for the Elaboration of an International Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa (INCD), through the end of the Committee's third session.

Revised Negotiating Text

CONVENTION ON COMBATTING DESERTIFICATION IN THOSE COUNTRIES EXPERIENCING SERIOUS DROUGHT AND/OR DESERTIFICATION, PARTICULARLY IN AFRICA

The Parties to this Convention,

Affirming that human beings in affected or threatened areas are at the centre of concerns to combat desertification and mitigate the effects of drought,

Reflecting the urgent concern of the international community, including States and organizations, about the adverse impact of desertification and drought,

Aware that arid, semi-arid and dry sub-humid areas together account for a significant proportion of the earth's land area and are the habitat and source of livelihood for a large segment of its population,

Acknowledging that desertification and/or drought are a problem of global dimension in that they affect all regions of the world and the need for joint action of the international community to combat desertification and/or mitigate the effects of drought,

Noting the high concentration of developing countries, notably least developed countries, among countries experiencing serious drought and/or desertification, and the particularly tragic consequences of these phenomena in Africa,

Noting also that desertification is caused by complex interactions among physical, biological, political, social, cultural and economic factors,

[Considering the impact of [internal and international] trade and other aspects of international economic relations on the ability of affected countries to combat desertification adequately,]

Conscious that [sustainable] economic growth, social development and poverty eradication are the first priorities of affected [developing] countries, particularly in Africa, and are essential to meeting sustainability objectives,

[[*Mindful* that desertification and drought affect sustainable development through interrelationships with important social problems such as poverty, poor health and nutrition, lack of food security, [forced] migration, both by internally displaced persons and across borders, and demographic dynamics,] [Noting the impact of trade, both within and between states, and demographic dynamics on the process of desertification and the impact of desertification and drought on food security, health and migration flows,]]

Appreciating the significance of the past efforts and experience of States and international organizations in combatting desertification and mitigating the effects of drought, particularly in implementing the United Nations Plan of Action to Combat Desertification which arose from the 1977 United Nations Conference on Desertification,

Realizing [Taking into account] that, despite [extensive] efforts in the past, progress in combatting desertification and mitigating the effects of drought has not met expectations and that a new and [more] effective approach is needed at all levels in the framework of sustainable development,

Recognizing the validity and relevance of decisions adopted at the United Nations Conference on Environment and Development, particularly of Agenda 21 and its Chapter 12, [which provide a basis for combatting desertification],

Recalling General Assembly resolution 47/188, particularly the priority it prescribed for Africa, and all other relevant United Nations resolutions, decisions and programmes on desertification and drought, as well as relevant declarations by African countries and those from other regions,

[*Recalling* that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, [and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States on areas beyond the limits of national jurisdiction,]]

[*Recognizing* that [the responsibility for] [an important role in] combatting desertification and the effects of drought rests ultimately [to a great extent] with national governments [, in cooperation with the international community] and depends on local implementation [of action programmes] in affected areas,] [Recognizing that national governments play a critical role in combatting desertification and mitigating the effects of drought and that progress in this respect depends on local implementation in affected areas,]

[*Recognizing* also the importance and necessity of international cooperation and partnership in combatting desertification and mitigating the effects of drought,]

[*Reaffirming* the international community's commitment to work in order to attain the accepted United Nations target of allocating 0.7 percent of Gross National Product to Official Development Assistance,]

Stressing the important role played by women in regions affected by desertification and/or drought, particularly in rural areas of developing countries, and the importance of ensuring the full participation of both men and women at all levels in programmes to combat desertification and mitigate the effects of drought,

Emphasizing the special roles of non-governmental organizations and other major groups in programmes to combat desertification and mitigate the effects of drought,

[*Bearing in mind* the relationship between desertification and other [global] environmental problems [of global dimension] facing the international [and national] community(ies),]] [such as climate change [variation], [land degradation,] conservation [and sustainable utilization] of biodiversity [,demographic dynamics] and availability of fresh water,] [Bearing in mind the potentially mutual relationships between desertification and other man-induced environmental problems facing humanity dealt with in United Nations environmental conventions and related instruments,]]

[*Bearing also in mind* the contribution that combatting desertification can make to achieving the objectives of the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change [and other related environmental conventions] and vice-versa,]

Believing that strategies to combat desertification and mitigate the effects of drought will be most effective if they are based on sound systematic observation and rigorous scientific knowledge, and continuously reevaluated,

[Recognizing the urgent need to improve the efficiency of international cooperation, the key role of donor coordination and the need to act consistently with national plans and priorities,]

Determined to take appropriate actions in combatting desertification and mitigating the effects of drought, for the benefit of present and future generations,

Have agreed as follows:

PART I

INTRODUCTION

Article 1

Use of terms

1. For the purposes of this Convention:

(a) "desertification" means land degradation in arid, semi-arid and dry sub-humid areas resulting from various factors, including climatic [variations] and human activities;

[(b) "drought" means a sustained, regionally extensive deficiency in precipitation resulting in a period of abnormally dry weather sufficiently prolonged for the lack of water to cause a serious hydrological imbalance;]

[(b) "drought" means the naturally occurring phenomenon that exists after one or more years during which rainfall has been significantly below average recorded levels;]

[( ) "land" means the terrestrial bio-productive system that comprises soil, water, plant growth, other biota and the ecological processes that operate within the system;]

[(c) "land degradation" means reduction or loss of the biological productivity and complexity of rainfed cropland, irrigated cropland, or range, pasture and forest land by one or a combination of processes, including, among others:

(i) displacement of soil materials by wind and water erosion,

(ii) internal soil deterioration through physical and chemical processes such as salinisation, acidification, aridification, nutrient depletion, compaction, sealing, crusting, waterlogging and subsidence;]

[(c) "land degradation" means reduction or loss of the biological or economic productivity and complexity of rainfed cropland, irrigated cropland, or range, forest an wood lands by one or a combination of processes and land use systems, including those arising from human activities and habitation patterns, in arid, semi-arid and dry sub-humid areas, such as:

(i) wind, water and soil erosion;

(ii) deterioration of soil physical, chemical and biological properties, and

(iii) long-term loss of natural vegetation;]

[( ) "human activities" means activities of man directly on the affected lands or extraneously and indirectly through activities that lead to negative impacts on the biological and economic potentials of the affected lands;]

[(d) "arid, semi-arid and dry sub-humid areas", or "affected areas", means areas where the ratio of average annual precipitation to potential evapotranspiration is greater than or equal to 0.05 and less than or equal to 0.65 and where the average annual temperature is greater than 0 degrees celsius;]

[(d) "arid, semi-arid and dry sub-humid areas" means areas where the aridity index (ratio of annual precipitation to potential evapotranspiration) ranges from 0.05 to 0.65 excluding arctic and sub-arctic regions;]

[( ) "affected areas" means arid, semi-arid and/or dry sub-humid areas affected or threatened by desertification;]

[(e) "countries experiencing serious drought and/or desertification", or "affected countries", means countries whose land areas include, in whole or in part, affected areas, and which are listed as such in Annex 1, list A;]

[(e) "affected countries" means developing countries whose lands include, in whole or in part, affected areas and who require assistance, and which are listed as such in Annex 1, list A;]

[(f) "affected countries needing assistance" means the affected countries listed as such in Annex 1, list B;]

[(f) "affected countries needing financial and/or technical assistance for the purpose of this Convention" means the affected countries listed as such in Annex 1, list B;]

[(f) "affected developing countries" means the countries listed as such in Annex 1, list B;]

[(g) "countries in a position to provide assistance" means the developed and other countries, as well as regional economic integration organizations, listed as such in Annex 1, list C;]

[(g) "countries in a position to provide assistance" means the developed and other countries in a position to provide either financial or technical assistance, as well as regional economic integration organizations, listed as such in Annex 1, list C;]

[(h) "combatting desertification" means all activities to directly or indirectly prevent, reduce or reverse land degradation in affected areas;] and

[(h) "combatting desertification" includes activities which are part of the integrated development of land resources in arid, semi-arid and dry sub-humid areas for sustainable development that are aimed at:

(i) prevention and/or reduction of land degradation,

(ii) rehabilitation of partly degraded land, and

(iii) reclamation of desertified land;]

(i) "regional economic integration organization" means an organization constituted by sovereign States of a given region [or sub-region] which has competence in respect of matters governed by this Convention and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to this Convention.

[2. The [Permanent] Secretariat, working with competent intergovernmental organizations, [scientific and academic institutions as well as non-governmental organizations,] shall maintain an information glossary of widely accepted definitions of other terms relevant to this Convention. The Conference of the Parties shall periodically review this glossary.]

Article 1 Bis

Scope of Convention

[DRAFTING PROPOSALS TO BE SUBMITTED]

Article 2

Objective

1. The objective of this Convention is to combat desertification and mitigate the effects of drought in countries experiencing serious drought and/or desertification, particularly in Africa, through effective actions at all levels, supported by international cooperation [and partnership arrangements], in the framework of an integrated approach which is consistent with Agenda 21 with a view to contributing to the achievement of sustainable development in affected areas.

2. Achieving this objective shall involve long-term integrated strategies which focuses simultaneously, in affected and threatened areas, on improved productivity of lands, rehabilitation, conservation and sustainable management of land and water resources, leading to improved living conditions, in particular at the community level.

[Article 3

Principles

[In addition to [applying] relevant principles of the Rio Declaration on Environment and Development,] in their actions to achieve the objectives of this Convention and to implement its provisions, the Parties shall [be guided, inter alia, by] [act according to] the following:

(a) [the Parties should, in all programmes of international cooperation to combat desertification and mitigate the effects of drought, respect both national sovereignty and their obligations relating to transboundary relations pursuant to international law;]

( ) States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond national jurisdiction;]

[(b) the Parties should ensure that decisions on the design and implementation of programmes to combat desertification and the consequences of drought are taken at the lowest [appropriate] [possible] level in administrative structures, down to the local community level, and that an enabling environment is created at higher levels to facilitate local action;][the Parties should develop partnerships among all levels of government with a view to guaranteeing the implementation of decisions to be adopted for the preparation and adoption of programmes to combat desertification and mitigate the effects of drought;]

(c) the Parties should, in a spirit of international solidarity and partnership, improve cooperation and coordination at sub-regional, regional and international levels, and better focus financial, human, organizational and technical resources where they are needed;

[(d) the Parties should develop partnerships among all levels of government, communities, non-governmental organizations and landholders to establish an understanding of the nature and value of land resources in affected areas and to work towards their sustainable use;]

[(e) the Parties should put in place national policies and institutional arrangements to identify, examine and reconcile economic, social, cultural, demographic, ecological and other concerns in order to sustain the full range of use of land in affected areas for the benefit of the community as a whole;]]

[(f) The Parties should take into full consideration the special needs and circumstances of affected developing country Parties;] and

[(g) The Parties should take preventive measures in their efforts to prevent land degradation, taking into account that those measures should be cost-effective.]

PART II

GENERAL PROVISIONS

Article 4

General obligations

1. The Parties shall implement their obligations under this Convention, individually or jointly, either through existing or prospective bilateral and multilateral arrangements, or a combination thereof, as appropriate, emphasizing the need to coordinate efforts and develop a coherent long-term strategy at all levels.

2. In pursuing the objective of this Convention, the Parties shall:

(a) adopt an integrated approach addressing the physical, biological and socio-economic aspects of the processes of desertification and drought;

(b) give due attention, within the relevant global and regional bodies, to the situation of affected developing countries with regard to international trade, marketing arrangements and debt; [and establish the necessary arrangements and understandings for the negotiations required to put in place an enabling international economic environment for the promotion of sustainable development in affected developing countries, including arrangements to:

(i) mitigate the impact of external debt on them;

(ii) improve international market conditions for their products;

(iii) reduce the effects of exchange rate variations on them; and

(iv) devise pricing and trade policies that will encourage the development and productivity of affected areas;]

(c) integrate strategies for poverty eradication into efforts to combat desertification and mitigate the effects of drought;

(d) promote cooperation among affected country Parties in the fields of environmental protection and the conservation of land and water resources, as they relate to desertification and drought;

(e) strengthen sub-regional, regional and international cooperation;

(f) cooperate within relevant intergovernmental organizations; and

(g) determine institutional mechanisms, if appropriate, keeping in mind the need to avoid duplication.

[(h) develop financial mechanisms that provide for new and additional resources to affected country Parties in combating desertification and mitigating the effects of drought.]

Article 5

Obligations of affected country Parties

In addition to their obligations in accordance with Article 4, affected country Parties undertake to:

(a) give due priority to combatting desertification and mitigating drought, and allocate adequate resources in accordance with their conditions and capabilities;

(b) establish strategies and priorities, within the framework of national sustainable development plans and policies, to combat desertification and mitigate the effects of drought;

(c) address the underlying causes of desertification and pay special attention to the socio-economic factors contributing to desertification processes; and

(d) promote awareness and facilitate participation of local populations, particularly women and youth, with the support of non-governmental organizations, in efforts to combat desertification and mitigate the effects of drought.

[(e) provide an enabling environment by strengthening relevant existing legislation and, where they do not exist, establishing new laws, long-term policies and action programmes.]

Article 6

Obligations of developed country Parties [and others Parties in a position to provide assistance]

In addition to their obligations set out in Article 4, developed country Parties [and other Parties in a position to provide assistance], undertake to:

(a) actively support [,individually or jointly,] the efforts of affected [developing] country Parties [needing assistance], particularly those in Africa and the least developed countries, to combat desertification and mitigate the effects of drought; and

(b) [promote access to, and provide, financial resources and facilitate access] [facilitate access to financial resources and] to appropriate knowledge, know-how and technology, and/or other forms of support to assist affected [developing] country Parties [needing assistance], particularly those in Africa, to effectively develop and implement their own long-term plans and strategies to combat desertification and mitigate the effects of drought.

[(c) allocate, in accordance with Agenda 21, 0,7 percent of Gross National Product to Official Development Assistance.]

Article 7

Priority to Africa

In implementing the provisions of this Convention, the Parties shall give priority to affected African countries, in light of the particular situation prevailing in this region, while not neglecting other affected [developing] regions. This priority shall also apply in the context of implementing the Regional Implementation Annex for Africa.

Article 8

Relationship with other Conventions

[1. The Parties shall encourage the coordination of activities carried out under this Convention and,if they are parties to them, under other relevant international agreements, particularly the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity, in order to derive maximum benefit from activities under each agreement while avoiding duplication of effort. The Parties shall encourage the conduct of joint programmes [, particularly in the fields of research, training, systematic observation, and information exchange,] to the extent that such activities may contribute to achieving the objectives of the agreements concerned.]

[2. The provisions of this Convention shall not affect the rights and obligations of any Party deriving from a bilateral, regional or global agreement into which it has entered prior to the entry into force of this Convention for it.]

PART III

ACTION PROGRAMMES, SCIENTIFIC AND TECHNICAL COOPERATION AND SUPPORTING MEASURES

Section 1: Action programmes

Article 9

Basic approach

1. In carrying out their obligations pursuant to Article 5, affected [developing] country Parties [needing assistance] shall prepare, make public, and implement national action programmes, building to the extent possible on existing relevant successful plans and programmes, and, as appropriate, sub-regional and regional action programmes, as the central element of the strategy to combat desertification and mitigate the effects of drought. Such programmes shall be updated at intervals to be decided by the Conference of the Parties.

2. Developed country Parties [and other Parties in a position to provide assistance] shall support [,as mutually agreed, individually or jointly and upon request,] affected [developing] country Parties [needing assistance] in this process, either directly or through appropriate intergovernmental organizations, or both.

3. The Parties shall encourage organs, funds and programmes of the United Nations system and other relevant international organizations, academic institutions, the scientific community and non-governmental organizations in a position to cooperate, in accordance with their mandate and capabilities, to support the elaboration, implementation and follow-up action programmes.

Article 10

National action programmes

1. The purpose of national action programmes is to identify the factors contributing to desertification and practical measures necessary to combat desertification and mitigate the effects of drought.

2. National action programmes shall specify the respective roles of government, local communities and land users as well as the resources available and needed. They shall, inter alia:

(a) incorporate long-term strategies to combat desertification and the effects of drought, emphasize implementation and be integrated with national policies for sustainable development;

(b) allow for modifications to be made in response to changing circumstances and be sufficiently flexible at the local level to cope with different socio-economic and bio-physical conditions;

(c) give particular attention to the implementation of preventive measures for lands that are not yet degraded, or which are only slightly degraded;

(d) Enhance national meteorological and hydrobiological capabilities and the means to provide for and apply drought early warning;

(e) promote policies and strengthen institutional frameworks which develop cooperation, coordination and partnership between [the donor community,] governments at all levels, local populations and community groups, and facilitate access by local populations to appropriate information and technology;

(f) provide for effective participation at local, national and regional levels by non-governmental organizations and local populations, both women and men, particularly resources users (including farmers and pastoralists and their representative organizations) in policy planning, decision-making, implementation and review of national action programmes; and

(g) require regular review of, and progress report on, implementation of the programmes.

[3. Fields to be covered by national action programmes may be decided in the light of Annex ... by each affected developing country Party in accordance with its specific conditions and requirements.]

[Article 11

Fields to be covered in national action programmes

[Taking into account the conditions and requirements specific to each affected country Party needing assistance, national action programmes [may] [shall, as applicable,] include, inter alia, measures in some or all of the following fields as they relate to affected areas and their populations:

(a) the development and implementation of programmes and measures relating to capacity-building, education and awareness, scientific and technical cooperation, and financial resources and mechanisms, in accordance with Articles 18 to 23;

[(b) reduction of poverty, including income and employment opportunities, alternative livelihoods, tourism promotion, rural infrastructure, market access, producer and marketing cooperatives, and access to credit [,particularly of women and disadvantaged groups] and other financial services;]

[(c) utilization of economic instruments to ensure sustainable commercial practices and proper resource valuation, including budget allocations to agricultural support programmes, agricultural and energy pricing [, minimization of government interference in agricultural production and export incentives;]]

(d) food security, including improved overall productivity of agricultural lands, introduction and development of drought-resistant fast-growing crop plants, food security reserves, and expansion of feeder-road networks;

(e) land management, including land tenure and other relevant legislation, soil conservation, sand dune fixation, community-based assessment networks, prior environmental [and socio-economic] impact assessment of projects, and rational management of agricultural land, water-sheds, forests and wildlife;

(f) pasture and range management, including [secure] access to, and use of, water and grazing land, [allocation of control over water points to pastoral communities] [, and enactment of pastoral/range activity legislation that, inter alia, recognizes herding as a sustainable use of fragile land and ensures the complementarity of grazing and agricultural activities];

(g) rational maintenance and sustainable management of vegetation cover, including management of forest resources by local communities, creation and protection of forest reserves, agroforestry activities and reforestation of degraded areas;

(h) water management and water conservation, environmentally sound use of rivers, lakes, catchment areas, watersheds and groundwater, acquisition of water development technologies [at affordable costs], development of infrastructure for suitable exploitation of ground water, water quality control measures and sustainable irrigation and drainage systems;

(i) meteorological and hydrological services, including improvement of data collection, analysis, forecasting, early warning, exchange and dissemination to users;

[(j) energy, including the development and efficient use of various energy sources, the promotion of alternative sources of energy, particularly natural gas, solar and wind energy, and specific arrangements for the transfer, acquisition and adaptation of relevant technology;]

[(k) conservation and rationalization utilization of all types of biodiversity consistent with the provisions of the Convention on Biological Diversity;]

(l) national population policies, including those to deal with population pressure on land-carrying capacity; [migration, both within and between countries;] family planning services; [and affordable changes in demographic composition;] and

(m) institutional and legal frameworks, including the decentralization of administrative structures, mechanisms to resolve land use conflicts efficiently, the coordination of national activities related to drought and desertification, and operational measures to empower local communities.]

[Article 11

Fields to be covered in national action programmes

[Taking into account the conditions and requirements specific to each affected developing country Party needing assistance, national action programmes shall include, inter alia, measures in some or all of the following fields as they relate to affected areas and their populations:

(a) capacity-building, education and awareness, scientific and technical cooperation, and financial resources and mechanisms, in accordance with relevant provisions of the Convention;

(b) poverty eradication and promotion of better livelihoods systems;

(c) improvement of the economic environment through sound pricing and fiscal policies as well as appropriate commercial practices;

(d) food security and sustainable agricultural practices;

(e) sustainable management of natural resources, in particular rational management of agriculture and pastoral lands vegetation cover and wildlife;

(f) conservation and rational management of water resources;

(g) meteorological and hydrobiological services, research and data collection, analysis, exchange, and dissemination to users;

(h) energy, including the development and efficient use of various energy sources, the promotion of alternative sources of energy, particularly, solar energy, wind energy and bio-gas, and specific arrangements for the transfer, acquisition and adaptation of relevant technology;

(i) conservation and utilization of all types of biodiversity in accordance with the provisions of the Convention on Biological Diversity;]

(j) national population policies, including those to deal with population pressure on land-carrying capacity, migration, both within and between countries, family planning services, and changes in demographic composition; and

(k) institutional and legal frameworks, including the decentralization of administrative structures, mechanisms to resolve land use conflicts efficiently, the coordination of national activities related to drought and desertification, and operational measures to encourage the empowerment of local communities, both women and men.]]

Article 12

Sub-regional action programmes

Affected [developing] country Parties [needing assistance] shall consult and cooperate to prepare, as appropriate, sub-regional action programmes to harmonize, complement and increase the efficiency of national programmes. The provisions of Article 10 shall apply mutatis mutandis to sub-regional programmes. They may include, inter alia, measures in some or all of the following:

(a) [establishment,] assessment and strengthening, as appropriate, of sub-regional institutions and their rationalization to avoid duplication, to resolve potential conflicts peacefully and to effectively perform functions necessary for the implementation of this Convention;

(b) scientific and technical cooperation in accordance with Articles 18 to 20;

(c) joint programmes for the sustainable management of [degraded] [adversely affected] ecosystems that straddle national boundaries; [, and bilateral or multilateral agreements on the management of [shared] transboundary resources;]

(d) joint programmes of cooperation with respect to migratory flows of people, transhumance [, the development and promotion of alternative sources of energy] and meteorology;

(e) joint environmentally sound programmes to control pest invasions and combat insect predators as well as plant and animal diseases; and

[(f) review and harmonization of trade practices that might have an adverse impact on the efforts of local populations to combat desertification and mitigate the effects of drought.]

Article 13

Regional action programmes

Affected [developing] country Parties [needing assistance] shall consult and cooperate to prepare, as appropriate, regional action programmes to harmonize, complement and increase the efficiency of national programmes. Regional action programmes may include the provisions referred to in subparagraphs (a) to (f) of Article 12. The provisions of Article 10 shall apply mutatis mutandis to regional programmes.

[Article 14

Measures to mitigate the effects of drought

[Affected country Parties needing assistance] [Affected developing country Parties] may include in their action programmes, inter alia, some or all of the following measures to mitigate the effects of drought as a natural phenomenon:

(a) the [establishment and] strengthening of early warning systems, including local and national facilities as well as joint systems at the sub-regional and regional levels [, and mechanisms for assisting [environmental] refugees and displaced persons];

(b) the strengthening of drought preparedness and management, including drought contingency plans at the local, national, sub-regional and regional levels, which take into consideration both seasonal and interannual climate predictions;

(c) the establishment of food security systems [including storage and marketing facilities [, the strengthening of coordination and better management of food aid]];

[(d) the preparation and implementation of programmes in areas such as public works and employment safety nets, as alternatives to agricultural and livestock production, to help local communities cope with drought; and] [establish other alternative livelihoods projects that could provide incomes in drought prone areas;] and

(e) development of irrigation programmes for both crops and livestock.]

[Article 14 bis

International cooperation

Affected country Parties, in collaboration with other Parties and the international community, should cooperate to ensure the promotion of an enabling international environment in the implementation of the provisions of the Convention together with the Regional Implementation Annexes. Such cooperation should also cover fields of technology transfer as well as scientific research and development, information collection and dissemination and financial resources.]

[Article 15

[Assistance in] [Support for] the elaboration and implementation of action programmes

[Developed country Parties][developed country Parties and other Parties in a position to provide assistance] [Parties in a position to provide assistance] shall [upon request] support, consistent with their capabilities,] [and participate in] the [elaboration and] implementation of action programmes, both bilaterally and through competent intergovernmental organizations, through financial, technical and other forms of cooperation as provided for in this Convention. In providing such support, preference should be given to the Least Developed Countries. Supporting measures shall [may] include, inter alia:

(a) financial cooperation [of sufficient duration] to provide [an adequate degree of] predictability for action programmes, allowing for [necessary long-term planning by] [countries needing assistance] [developing country Parties];

(b) use [elaboration] of [cooperation] assistance-delivery mechanisms which better enable support at the local level, including through non-governmental organizations;

(c) increased flexibility in project design, funding and implementation in keeping with the experimental, iterative approach indicated for participatory action at the local community level; and

[(d) streamlined administrative and budget procedures to increase the efficiency of assistance programmes.]]

[Article 16

Coordination in the elaboration and implementation of action programmes

1. The contracting Parties shall work closely together, directly and through relevant intergovernmental organizations, in the elaboration and implementation of action programmes.

[2. The Parties shall develop operational mechanisms, particularly at the national and field levels, to ensure the fullest possible coordination among country Parties providing assistance, country Parties needing assistance and relevant international and non-governmental organizations, in order to avoid duplication, harmonize interventions and approaches, and maximize the impact of assistance. Arrangements relating to the form of such coordination are set out in the Regional Implementation Annexes.]

[2. The Parties recognize the effectiveness of the consultative group process as a mechanism to coordinate development assistance between donors and affected countries requiring assistance. The Secretariat will encourage and, on the request of an affected country, facilitate the convocation of consultative group processes, which would, where appropriate, involve existing regional and multilateral institutions. The consultative groups will evaluate specific proposals, which could include national action plans to combat desertification with a view to mobilizing financial resources.]]

[Article 16

Coordination in the elaboration and implementation of action programmes

[Bearing in mind the critical role of coordination at the country level, the Parties will make appropriate arrangements for implementation and evaluation of cooperative national programmes in country Parties needing assistance. Such arrangement shall be developed locally through consultation between representatives of the government of the Party needing assistance and the cooperating institutions, including non-governmental organizations. The purpose of such arrangements shall be to monitor the implementation of the Convention and recommend additional support that may be needed from the donor community, regional and sub-regional organizations, non-governmental organizations and/or international agencies. In country Parties needing assistance, priority will be given to coordinating donor activities to maximize efficient use of resources, avoid duplication of effort and ensure that assistance is responsive to national plans and priorities mandated by the convention.]

[Article 17

Regional Implementation Annexes

Elements for incorporation in action programmes shall be selected and adapted to the socio-economic, geographic and climatic factors applicable to affected countries or regions, as well as to their level of development. Guidelines for the preparation of action programmes and their exact focus and content for particular sub-regions and regions are set out in the Regional Implementation Annexes, which include obligations with respect to:

(a) the specific areas to be covered in the action programmes of countries of a particular region or sub-region and the measures required in each of these areas;

(b) the measures to be taken jointly by groups of country Parties choosing to cooperate in the preparation and implementation of action programmes in a particular region or sub-region; and

(c) the degree and nature of assistance required from country Parties in a position to provide assistance in order to elaborate and implement action programmes.]

Section 2: Scientific and Technical Cooperation

Article 18

Information collection, analysis and exchange

In meeting their obligations under the Convention, the Parties agree to integrate and coordinate the collection, analysis and exchange of relevant short-term and long-term data and information to ensure systematic observation of land degradation in affected areas and better understand and assess the processes and effects of drought and desertification. This would accomplish inter alia early warning and advance planning for periods of adverse climatic variation in a form suited for practical application by users at all levels, including especially local populations. To this end, they shall:

[(a) [facilitate the networking of institutions and facilities] [facilitate the expansion of a global network by linking] [support the establishment [and operation] of a global network of institutions and facilities] for information collection, exchange and monitoring at all levels, which shall:

(i) [endeavour to] use compatible standards and systems [for both monitoring and evaluation] [as they are appropriate to] [taking into account] land-use systems and ecosystems;

(ii) encompass meteorological, agrometeorological, climatological, hydrological and biological data and stations, including in remote areas [, with institutional commitment for long-term continuity];

(iii) use and disseminate, in a an appropriate targeted and effective way, modern technology for data collection, transmission and assessment on land degradation; and

(iv) link national, sub-regional and regional data and information centres more closely with global information sources;]

(b) ensure that information collection, analysis and exchange activities address the needs of local communities, and those of decision-makers, with a view to resolving specific problems, and that local communities are involved in these activities;

(c) support and further develop, as appropriate, bilateral and multilateral programmes and projects aimed at defining, conducting, assessing and financing data and information, collection, analysis and exchange, including inter alia integrated sets of physical, biological, social and economic indicators;

(d) make full use of the expertise of relevant international, intergovernmental organizations and non-governmental organizations, particularly to disseminate relevant information and experiences among target groups in different regions;

(e) give full weight to collection, analysis and exchange of socio-economic data, as well as their integration with physical and biological data;

(f) exchange, and make fully, openly and promptly available, information from all publicly available sources relevant to the combat of desertification and the effects of drought; and

[(g) exchange information on indigenous and traditional knowledge, ensuring adequate protection for it and providing appropriate return from the benefits derived from it to the indigenous populations concerned.]

Article 19

Research and development

1. In meeting their obligations under the Convention, the Parties undertake to promote technical and scientific cooperation in the fields of desertification and the mitigation of the effects of drought through appropriate national, sub-regional and [existing] international institutions. To this end, they shall [direct their] support [to the required, problem-oriented, interdisciplinary, basic and applied] research activities that:

(a) contribute to increased knowledge of the processes leading to desertification and drought as well as the impact of, and distinction between, causal factors, both natural and human, with a view to preventing, mitigating and reversing decertification and achieving improved productivity as well as sustainable use and management of resources;

(b) respond to well defined objectives, address the specific needs of local populations and lead to the identification and implementation of solutions that improve the living standards of people living in the affected areas;

(c) protect, integrate, enhance and validate traditional and local knowledge, know-how and practices, [ensuring that the owners of that knowledge will directly benefit from any commercial utilization of it or from any technological development derived from that knowledge];

(d) develop and strengthen national and sub-regional research capabilities especially in affected countries [needing assistance], including the development of local skills and the strengthening of appropriate capacities, especially in countries where the research base is very weak, giving greater importance to multidisciplinary and participative socio-economic research; and

(e) take into account [,where relevant,] the relationships between poverty and desertification.

[2. Research priorities for particular regions and sub-regions, reflecting different local conditions, are [determined] [proposed] included in the Regional Implementation Annexes. In addition, the Conference of the Parties shall [propose] [review] [consider] research priorities periodically [, on the advice of the Scientific and Technological Advisory Council,] and the [Permanent] Secretariat shall maintain an inventory of relevant research institutions.]

Article 20

Transfer, acquisition, adaptation and development of technology

1. In meeting their obligations under the Convention, the Parties undertake to promote, facilitate [the financing of] [and finance], [as mutually agreed and] as appropriate, [as well as] the transfer, acquisition, adaptation and development of relevant, environmentally sound, economically viable and

socially acceptable technologies, in accordance with national policies. Such cooperation shall be conducted bilaterally or multilaterally, as appropriate, making full use of the expertise of intergovernmental and non-governmental organizations. The Parties shall, in particular:

(a) fully utilize relevant existing national, sub-regional, regional and international information systems and clearing-houses for the dissemination of information on available technologies, their sources, their environmental risks and the broad terms under which they may be acquired;

(b) facilitate access [in particular to developing countries, on favourable terms, including on concessional and preferential terms][, as mutually agreed, and on terms which recognize and are consistent with the adequate and effective protection of intellectual property rights,] to technologies most suitable to practical application for specific needs of local populations, paying special attention to the social, cultural, economic and environmental impact of such technology;

(c) facilitate technology cooperation among affected country Parties [needing assistance] through financial assistance or other appropriate means;

(d) extend technology cooperation with affected countries [needing assistance] [when useful in combatting desertification] to sectors which foster alternative livelihoods such as [the conservation and utilization of biodiversity and genetic resources] [natural resources], cottage industries, small business and tourism;

(e) take appropriate measures to create domestic market conditions [that create] [and] incentives, fiscal or otherwise, conducive to the development, transfer, acquisition and adaptation of suitable technology and knowledge [including measures to ensure adequate and effective protection of intellectual property rights]; and

[(f) promote the conduct of joint research programmes and ventures between suppliers and recipients of relevant technologies, in both the public and private sectors, for the development of improved, affordable and [easily] accessible technologies.]

[(f) promote the conduct of joint research programmes between national, sub-regional, regional, and international research organizations, in both the public and private sectors, for the development of improved, affordable, and accessible technologies for sustainable progress through effective participation [of farmers] and local communities.]

[(f) promote the conduct of joint research programmes and ventures between suppliers and recipients of relevant technologies, and between national, sub-regional, regional and international research organizations, in both public and private sectors, for the development of improved, affordable, and accessible technologies for sustainable progress through effective participation of farmers and local communities.]

2. The Parties [shall protect, promote and use in particular] [shall give special attention to the [adequate] protection, promotion and use of] relevant traditional and local technology, know-how, knowledge and practices. To this end, the Parties undertake to:

(a) make inventories of, and disseminate information on, such technology, knowledge, know-how and practices and its potential uses, where appropriate in cooperation with relevant intergovernmental and non-governmental organizations;

( ) [ensure that such technology, knowledge, know-how and practices are adequately protected and that local populations benefit directly from any commercial utilization of them or from any technological development derived thereof];

(b) encourage and actively support the improvement and dissemination of such technology, knowledge, know-how and practices, or of the development of new technology based on them; and

(c) facilitate, as appropriate, the adaptation of such technology, knowledge, know-how and practices to wide use and integrate them with modern technology, as appropriate.

[3. Specific provisions for carrying out cooperation pursuant to this Article, taking account of the conditions prevailing in particular affected country Parties, sub-regions and regions, are included in [Regional Implementation Annexes] [action programmes].]

Section 3: Supporting Measures

Article 21

Capacity building, education and public awareness

1. The Parties recognize the significance of capacity building, that is institution building, training and development of relevant indigenous capacities in efforts to combat desertification and mitigate the effects of drought. They shall promote, in all appropriate capacity building activities:

(a) capacity building at all levels, but particularly at the local level through full participation of local people, in particular women and youth, with the cooperation of non-governmental and local organizations;

[( ) the strengthening of training and research capacity at the national level in the field of desertification and drought;]

(b) the [establishment or] strengthening of support and extension services to disseminate relevant technology methods and techniques more effectively, and the training of field agents and members of rural organizations in participatory approaches for the conservation and sustainable use of [land and water] [natural] resources;

(c) fostering of the use and dissemination of the knowledge, expertise and practices of local people in technical cooperation programmes wherever possible and appropriate;

(d) the adaptation of relevant environmentally-sound technology and traditional methods of agriculture and pastoralism to modern socio-economic conditions;

(e) the provision of appropriate training and technology in the use of alternative energy sources, particularly renewable energy resources, aimed at reducing dependence on wood for fuel;

(f) cooperation [, as mutually agreed,] to strengthen the capacity of affected [developing] country Parties to develop and implement programmes in the field of information collection, analysis and exchange in accordance with Article 18;

(g) innovative ways of promoting alternative livelihoods, including training in new skills;

(h) the training of appropriate decision-makers and managers, as well as personnel who are responsible for the collection and analysis of data, for the dissemination and use of early warning information on drought conditions and for food production;

(i) the more effective operation of existing national institutions and legal frameworks and, where necessary, creation of new ones, along with strengthening of strategic planning and management; and

(j) the use of exchange visitor programmes to enhance capacity building in affected countries through a long-term, interactive process of learning and study.

2. Affected [developing] country Parties shall conduct, in cooperation with other Parties and competent intergovernmental and non-governmental organizations, as appropriate, an interdisciplinary review of available capacity and facilities at the local and national levels, and the potential for strengthening them. [The results of such review shall be included in national action programmes.]

3. The Parties shall cooperate individually, collectively and through competent intergovernmental and international organizations, as well as with non-governmental organizations, to undertake and support public awareness and educational programmes in both affected and, where relevant, unaffected country Parties to promote understanding of the causes and effects of desertification and drought and of the importance of meeting the objectives of this Convention. To this end, they shall:

(a) target awareness campaigns at the public at large;

(b) promote, on a permanent basis, access by the public to relevant information, as well as wide public participation in education and awareness activities;

(c) encourage the establishment of associations that contribute to public awareness;

(d) develop and exchange educational and public awareness material, where possible in local languages, exchange and second experts to train personnel of affected countries [needing assistance] in carrying out relevant education and awareness programmes, and fully utilize relevant educational materials available in competent international bodies;

(e) assess education needs in affected areas, elaborate appropriate school curricula and expand, as needed, educational and adult literacy programmes and opportunities for all, in particular for girls and women, on the identification, conservation as well sustainable use and management of natural resources of affected areas; and

(f) develop interdisciplinary participatory programmes integrating desertification and drought awareness into education systems and in non-formal, adult, distance and practical education programmes.

[4. The Conference of the Parties shall establish, for combatting desertification and the effects of drought, [an international education and training centre] [a network of regional education and training centres] to train appropriate scientific, technical and management personnel of affected [developing]countries [needing assistance] and to assist the institutions responsible for education and training in affected [developing] countries [needing assistance] in harmonizing programmes and in organizing exchanges of experience. The [Centre] [network of centres] shall cooperate closely with relevant intergovernmental [and non-governmental] organizations to avoid duplication of effort.]

[4. The Conference of the Parties shall establish a network of regional education and training centres to combat desertification and mitigate the effects of drought, [coordinated by an international institution or centre created as appropriate for that purpose,] in order to train appropriate scientific, technical and management personnel of affected [developing] countries [needing assistance] and to assist the institutions responsible for education and training in affected [developing] countries [needing assistance] in harmonizing programmes and in organizing exchanges of experience. The network of centres shall cooperate closely with relevant intergovernmental organizations to avoid duplication of effort.]

Article 22

Financial resources

[1. Acknowledging the centrality of adequate financing for achieving the objectives of the Convention, the Parties undertake to [provide financial resources, consistent with their capabilities, national plans, priorities and programmes. They shall, in particular:]]

[1. Mobilization of the technical and financial resources required for the implementation of national, sub-regional and regional action programmes remains the responsibility of the country or countries concerned. Parties undertake to give due priority in bilateral and multilateral assistance to supporting these programmes and, where necessary, providing additional financial resources. Toward this end, they shall in particular:]

(a) ensure the provision of financing and incentives [for specific activities] which meet the objectives of this Convention;

[( )] earmark ten percent of bilateral and multi-lateral aid resources to supporting desertification and drought action programmes;]

(b) give priority to Africa, in accordance with Article 7, while not neglecting other regions;

[( ) give priority as well to least developed affected countries;]

(c) rationalize and strengthen resources already allocated for combatting desertification and the effects of drought by using them more effectively and more flexibly, assessing their successes and shortcomings, removing bottlenecks to their effective use, and reorienting programmes in light of the integrated, long-term approach adopted pursuant to this Convention;

(d) [give due priority and attention to][support], within the governing bodies of multilateral institutions, development assistance for affected [developing] countries [needing assistance] in order to support activities likely to advance the implementation of action programmes;

[(e) [encourage national governments to] explore innovative methods of financing[, such as debt for nature swaps and economic or environmental instruments and taxes,] to [raise funds from both public and private sources;] [generate new financial resources, both public and private;]

[(f) [provide for] [bear in mind the importance of] equitable burden-sharing [in the mechanisms through which assistance is provided] among [countries providing assistance] [developed countries];]

[(g) [ensure the] [aim for] replicability and internal sustainability of projects to combat desertification and mitigate drought; and]

[(h) allow Parties providing financial assistance the flexibility to determine utilization of their funds[, including the ability to designate relevant bilateral aid as contributions to its funding arrangements].]

2. Affected [Developing] countries [needing assistance] shall allocate [a substantial] [an appropriate][an adequate] portion of their own financial resources to achieving the objectives of this Convention [within their national programmes and shall establish a suitable financial mechanism for this purpose as required.] [and shall establish national funds to combat desertification and mitigate the effects of drought.] [and shall make relevant allocations within their national budgets.] [and shall identify for drought and desertification actions a share of the resources mobilized for financing national programmes for sustainable development.]

3. [Developed countries] [Developed country Parties and other Parties in a position to provide assistance] [Parties in a position to provide assistance] shall [upon request] [facilitate the mobilization of, and make available][ensure the provision of], on a [regular,] timely, [predictable] [and concessional] basis [,on such terms and conditions as may be mutually agreed,] [new and additional] [adequate] financial resources [including new and additional resources] to assist in the [preparation and] implementation of action programmes of affected [developing] countries [needing assistance, and requesting such assistance]. [Other parties could provide on a voluntary basis knowledge, know-how, and techniques related to desertification, and/or financial resources, to affected developing country Parties. The transfer of such knowledge, know-how and techniques shall be facilitated by international cooperation.]

[4. Developed country Parties reaffirm their commitments in Agenda 21 to reach the accepted United Nations target of 0.7 percent of Gross National Product for Official Development Assistance.] [Developed country Parties undertake to reach the accepted United Nations target of 0.7 percent of Gross National Products for Official Development Assistance by the year 2000.]

[5. In view of the enormous resources required to promote the above objectives, the developed country Parties shall provide financial support resources trough bilateral and/or multilateral channels in order to effectively and successfully enhance capacity building, education and public awareness.]

Article 23

Financial mechanisms

1. [In providing financial assistance in accordance with this Convention, the Parties shall make full use of all available national, bilateral and multilateral financing mechanisms,] [Developing country Parties shall establish national mechanisms that would ensure efficient use of all available resources from national, bilateral and multilateral sources,] encompassing statutory contributions, voluntary contributions, grants, donations, loans, joint ventures, and private funding, including from non-governmental organizations.

2. To [better understand] [improve] the flow of funds to combat desertification and mitigate the effects of drought, the Conference of the Parties shall make, and regularly update, an inventory of the sources and uses of these funds [and review [make proposals on] the adequacy and effectiveness of multilateral structures]. [It shall also [establish a clearing house on the types and methods of assistance available through the various channels and] estimate, on a regular basis, the financial resources needed to implement the Convention on the basis on individual national action programmes.]

[3. In order to supplement currently available resources, the Conference of the Parties shall establish, as soon as practicable, a specialized fund to combat desertification and mitigate the effects of drought. In so doing, it shall give due consideration to the establishment of an international finance corporation[1] and to other innovative financing sources, such as specific deposits by multilateral agencies. The Conference of the Parties shall set and review at least every three years the policies, operational modalities and programme priorities of the fund, as well as eligibility criteria for access to the fund. These shall include, inter alia, the level of development of affected countries needing assistance and the priority to be given to Africa.]

[4. The modalities in paragraph 3 shall provide for transparency and accountability in the management of the resources of the fund, and allocation of a specific percentage of these resources to local and non-governmental programmes.]

[5. The Conference of the Parties shall at each of its regular sessions review and approve a programme and budget document comprising the operation of international networks of research and development, monitoring and assessment, education and training, and information exchange, and the activities carried out by the Permanent Secretariat. The budget shall be financed by the Parties on the basis of assess contributions.]

PART IV

INSTITUTIONS

Article 24

Conference of the Parties

1. A Conference of the Parties is hereby established.

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1 Along the lines of the proposal in General Assembly document A/36/141

2. The Conference of the Parties is the supreme body of the Convention. It shall keep the implementation of the Convention under regular review, and shall make, within its mandate, the decisions necessary to promote its effective implementation. To this end, it shall:

(a) [periodically] [at each ordinary session,] review, the implementation of the Convention and of the institutional arrangements on the basis of the evolution of scientific and technological knowledge in light of the experience gained at the national and international levels;

(b) promote and facilitate the exchange of information on measures adopted by the Parties, and determine the form and intervals for transmitting the information [to be submitted in accordance with Article 28, review the reports and make recommendations on them] [and on other matters necessary];

(c) establish such subsidiary bodies as are deemed necessary for the implementation of the Convention;

(d) review reports submitted by its subsidiary bodies and provide guidance to them;

[(e) revise [periodically] the lists of countries in Annex ...;]

(f) agree upon and adopt, by consensus, rules of procedure and financial rules for itself and any subsidiary bodies;

(g) adopt amendments to the Convention in accordance with Article[s] 32 [and 33];

[(h) approve a comprehensive programme and regular budget, [based on agreed assessed contributions][to be borne by the regular budget of the United Nations], to ensure the effective operation of the Secretariat, the subsidiary bodies [and the international networks agreed upon in accordance with Articles 18,19 and 21];]

(i) as appropriate, seek the cooperation of, and utilize the services of and information provided by, competent national, international, intergovernmental and non-governmental organizations;

(j) promote and strengthen the relationship with other relevant conventions while avoiding duplication of effort; and

(k) exercise [other functions assigned to it pursuant to the Convention and] such other functions as may be necessary for the achievement of the objective of the Convention.

3. The Conference of the Parties shall, at its first session, adopt its own rules of procedure, by consensus, which shall include decision-making procedures for matters not already covered by decision-making procedures stipulated in the Convention. Such procedures may include specified majorities required for the adoption of particular decisions.

4. The first session of the Conference of the Parties shall be convened by the interim Secretariat referred to in Article 38 and shall take place not later than one year after the date of entry into force of the Convention. Unless otherwise decided by the Conference of the Parties, the second, third and fourth ordinary sessions shall be held yearly, and thereafter, ordinary sessions shall be held every two years.

5. Extraordinary sessions of the Conference of the Parties shall be held at such other times as may be decided by the Conference of the Parties in ordinary session [,at the initiative of the Bureau of the Conference of the Parties,] or at the written request of any Party, provided that, within [six] [three] months of the request being communicated to the Parties by the [Permanent] Secretariat, it is supported by at least [one-third] [one-fourth] of the Parties.

[6. At the opening of its sessions, the Conference of the Parties shall elect a Bureau comprising a chairman, [and five vice-chairmen, one of them fulfilling the task of rapporteur] three vice-chairmen and a rapporteur. Due regard shall be paid to the need to ensure equitable geographic distribution and adequate representation of those countries affected by drought and desertification, particularly in Africa.]

[6. The Conference of the Parties shall elect a Bureau. Due regard shall be paid to the need to ensure equitable geographic distribution. The structure and functions of the Bureau shall be determined in the rules of procedure.]

7. The United Nations, its specialized agencies and any State member thereof or observers thereto not Party to the Convention, may be represented at sessions of the Conference of the Parties as observers. Any body or agency, whether [national or] international, governmental or non-governmental, which is qualified in matters covered by the Convention, and which has informed the [Permanent] Secretariat of its wish to be represented at a session of the Conference of the Parties as an observer, may be so admitted unless at least one-third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

Article 25

[Permanent] Secretariat

1. A [Permanent] Secretariat is hereby established. [The [Permanent] Secretariat shall be headed by a [Permanent] [Executive] Secretary designated at the fist session of the Conference of the Parties.]

2. The functions of the [Permanent] Secretariat shall be:

(a) to make arrangements for sessions of the Conference of the Parties and its subsidiary bodies established under the Convention and to provide them with services as required;

(b) to compile and transmit reports submitted to it;

[(c) to facilitate assistance to affected developing country Parties [needing assistance], on request, particularly in Africa, in the compilation and communication of information required in accordance with [Article 28] [the provisions of the Convention;]

(d) to prepare reports on the execution of its functions under this Convention and present them to the Conference of the Parties;

(e) to coordinate its activities with the secretariats of other relevant international bodies and conventions;

[( ) under the authority and supervision of the Conference of the Parties, the Secretariat shall provide advice on desertification

programme monitoring activities and, in particular, ensure the coordination of activities at the local, national, sub-regional and international levels;]

(f) to enter, under the guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and

(g) to perform any other secretariat functions as may be determined by the Conference of the Parties.

[3. The Conference of the Parties, at its first session, shall designate a [permanent] secretariat, decide its location and make arrangements for its functioning.]

[3. At its first ordinary session, the Conference of the Parties shall designate the secretariat from among those existing competent international organizations which have signified their willingness to carry out the secretariat functions under the Convention.]

[Article 26

Desertification research technology and evaluation network and advisory council

1. A network of existing and, if necessary, new institutions will be established.

2. An institution of the network will be designated as a focal point, core or centre for the network.

3. A Scientific and Technological Advisory Council will be established, that shall:

(a) following a survey, advise the Conference of the Parties on the structure of the network, that should have a wide disciplinary and geographical coverage;

(b) advise the Conference of the Parties, also based on the survey referred to in sub-paragraph (a), on the institute designated as a core or centre; and

(c) oversee the activities of the network and its centre, evaluate their performance, and make recommendations the Conference of the Parties on changes in their structure and activities, as deemed necessary.]

NOTE BY THE SECRETARIAT: THE ABOVE PROPOSED ARTICLES WOULD REPLACE ARTICLES 26 AND 27.

[Article 26

Scientific and Technological Advisory Council

1. A Scientific and Technological [Council is hereby established [as a subsidiary organ of the Conference of the Parties].

[2. At the request [,and under the supervision of,] the Conference of the Parties, the Scientific and Technological [Advisory] Council shall provide advice

on scientific and technical issues relating to the activities carried out under the Convention [and shall provide scientific and technical assessments of the status of affected countries.] with a view to achieving its objectives, including in particular the preparation [,evaluation] and implementation of national, sub-regional and regional action programmes.]

[2. At the request and under the supervision of the Conference of the Parties, the Scientific and Technological Council shall:

(a) provide advice on scientific and technical issues relating to the activities carried out under the Convention with a view to achieving its objectives, including in particular the preparation and implementation of national, sub-regional and regional action programmes;

(b) assist, coordinate and strengthen, as appropriate, international and intergovernmental programmes aimed at defining, conducting, assessing and financing research, data collection and systematic observation of drought and desertification in accordance with Articles 18 and 19;

(c) support the establishment of a network of national, sub-regional, regional and international institutions and technical facilities, as appropriate, for the continuous assessment and monitoring of drought and desertification; and

(d) support international and intergovernmental efforts to strengthen national scientific and technical research capacities and capabilities, particularly in Africa.]

[3. The Scientific and Technological [Advisory] Council shall consist of 20 experts appointed by the Conference of the Parties in their personal capacity. It shall be multidisciplinary and its composition shall have due regard to the need to ensure adequate geographical representation. Members of the Council shall be elected for a term of three years. They shall be eligible for re-election.][The Scientific and Technological Council shall be open to participation by all Parties and shall be multidisciplinary. It shall comprise government representatives competent in relevant fields of expertise.]

[3. The Scientific and Technological Advisory Council shall consist of an appropriate number of experts competent in the relevant field of expertise and appointed in their personal capacity, on proposition of their governments, for a term of three years renewable twice maximum. The Advisory Council shall be open to participation of all Parties and shall be multidisciplinary. Its composition shall have due regard to the need to ensure adequate geographical representation.

4. The [Advisory] Council shall report [regularly] [on all aspects of its work to the ordinary sessions of the Conference of the Parties and, as appropriate, to extraordinary sessions] to the Conference of the Parties on all aspects of its work.]

[Article 26

Scientific and Technological Counsel/Advice

The Conference of the Parties shall, at its first session, consider ways and means of receiving independent advice on scientific and technological matters, including:

(i) gaps in knowledge that need to be addressed and technological advances that need to be promoted pursuant to Article 19, and

(ii) evaluation of information on desertification pursuant to Article 18 and on monitoring the implementation of the Convention;]

[Article 27

[*International Drought and Desertification*] [*Evaluation and Monitoring Centre*] [*Research and Development Institution*]

1. A Drought and Desertification Evaluation and Monitoring Centre is hereby established [as a subsidiary body of the Conference of the Parties], which shall determine the modalities of operation of the Centre].

2. Under the authority and supervision of the Conference of the Parties, the Drought and Desertification Evaluation and Monitoring Centre shall:

(a) assist, coordinate and strengthen, as appropriate, international and intergovernmental programmes aimed at defining, conducting, assessing and financing research, data collection and systematic observation of drought and desertification in accordance with Articles 18 and 19;

(b) support the establishment of a network of national, sub-regional, regional and international institutions and technical facilities, as appropriate, for the continuous monitoring and assessment of drought and desertification [,and for the continuous monitoring of the performance of executed action plans, and assessment of their success in combatting desertification];

(c) support international and intergovernmental efforts to strengthen national scientific and technical research capacities and capabilities, particularly in Africa; and

(d) ensure the coordination of activities at the [local, national], [regional] sub-regional and international levels.

[2. Under the authority of the Conference of the Parties, the Scientific and Technical Council shall provide guidance for the elaboration and implementation of a plan to ensure that systematic scientific evaluation and monitoring of drought is most effectively performed, where possible, by utilizing, integrating and strengthening the activities of existing facilities. The Scientific and technical Council shall also advise the Conference of the Parties of the need for strengthening activities of existing institutions and identifying areas where new arrangements are needed.]

3. In carrying out its activities, the Centre shall cooperate closely with relevant intergovernmental and non-governmental organizations to avoid duplication of effort.

[4. The Centre shall report [regularly] to the Conference of the Parties, through the [Permanent] Secretariat, on all aspects of its work [at ordinary sessions and, as appropriate, extraordinary sessions].]

[4 bis. The programmes and budget of the Centre shall be a part of the international programme and budget referred to in Article 24, paragraph 2 (j);]

5. [The Centre shall be located in [...] [in Africa].] [The Conference of the Parties shall decide on the location of the Headquarters.]]

[Article 27

Establishment of a network of national, sub-regional, regional and international institutions and facilities

1. The Parties shall establish a network of national, sub-regional, regional and international institutions and facilities by assessing, strengthening and making maximum use of existing, or establishing where necessary new institutions and facilities for combating desertification and mitigating drought.

2. A Drought and Desertification Research and Development Centre is hereby established as the core of the network of institutions. Under the authority and supervision of the Conference of the Parties, the Centre shall, through the network of institutions as appropriate:

(a) assist, coordinate and strengthen international and intergovernmental programmes for combating desertification and drought;

(b) support and coordinate the activities of the Network of Institutions as set out in paragraph 3 below; and

(c) ensure the coordination of activities at the local, national, sub-regional, regional and international levels.

3. The Centre shall report regularly to the Conference of the Parties, through the Secretariat, on all aspects of its work.

4. The Centre shall be located in ( ) (Africa).

5. Under the supervision and direction of the Centre, the network of institutions shall:

(a) assist, coordinate and strengthen, as appropriate, national, sub-regional and regional action programmes, including activities relating to scientific and technical cooperation provided for in Articles 18 to 20 and supporting measures provided for in Article 21; and

(b) perform other functions as may be designated by the Parties of a sub-region or region in the Regional Implementation Annex;

6. Institutions and facilities composing the network of institutions, shall report regularly to the Centre.

7. The network of institutions shall cooperate closely with the Parties and relevant intergovernmental organizations to avoid duplication of effort.

8. The Secretariat shall maintain an inventory of the institutions and facilities composing the network of institutions.]

PART V

PROCEDURES

Article 28

Communication of information

1. Each Party shall communicate to the Conference of the Parties for consideration at its ordinary sessions, through the [Permanent] Secretariat, reports on the measures which it has taken [in compliance with] [for the implementation of] this Convention. The Conference of the Parties shall determine the format of such reports.

[2. Affected country Parties shall provide a description of the strategies adopted pursuant to Article 5 and of any relevant information on their implementation.]

3. Affected country Parties [needing assistance] shall provide a detailed description of the action programmes adopted pursuant to Articles 9 to 17 and of [any relevant information on] their implementation.

4. Any group of affected country Parties [needing assistance] may make a joint communication on measures taken at the regional and/or sub-regional levels in the framework of action programmes.

5. Developed country Parties [and other Parties] in a position to provide assistance shall report on measures taken to assist in the preparation and implementation of action programmes, including information on the financial resources they have provided, or are providing, under this Convention.

6. Information communicated in accordance with paragraphs 1 to 4 shall be transmitted by the Secretariat as soon as possible to the Conference of the Parties and to any relevant subsidiary body.

7. The Conference of the Parties [may recommend measures that may be taken by affected country Parties [needing assistance], particularly in Africa, to obtain] [shall arrange for the provision to affected country Parties [needing assistance], particularly in Africa, on request, of] technical and financial support in compiling and communicating information in accordance with this Article, as well as identifying the technical and financial needs associated with action programmes.

Article 29

Measures to resolve questions on [compliance][implementation]

The Conference of the Parties shall consider and adopt procedures and institutional mechanisms for the solution of questions that may arise with regard to [compliance with] [the implementation of] the Convention.

Article 30

Settlement of disputes

1. Parties shall settle any dispute between them concerning the interpretation or application of the Convention through negotiation or other peaceful means of their own choice.

2. When ratifying, accepting, approving, or acceding to the Convention, or at any time thereafter, a Party which is not a regional economic integration organization may declare in a written instrument submitted to the Depositary that, in respect of any dispute concerning the interpretation or application of the Convention, it recognizes one or both of the following means of dispute settlement as compulsory in relation to any Party accepting the same obligation:

(a) arbitration in accordance with the procedure [adopted by the Conference of the Parties in an Annex as soon as practicable] [of the Permanent Court of Arbitration] set out in Annex ...;

(b) submission of the dispute to the International Court of Justice.

3. A Party which is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedure referred to in paragraph 2, subparagraph (a).

4. A declaration made under paragraph 2 shall remain in force until [the earlier of the expiration] [it expires] in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depositary.

5. The expiry of a declaration, a notice of revocation or a new declaration shall not in any way affect proceedings pending before the International Court of Justice or an arbitral tribunal unless the Parties to the dispute otherwise agree.

6. If the Parties to a dispute have not accepted the same or any procedure pursuant to paragraph 2 and if they have not been able to settle their dispute within twelve months following notification by one Party to another that a dispute exists between them, the dispute shall be submitted to conciliation at the request of any Party to the dispute, in accordance with the procedure set out in Annex ..., unless the Parties otherwise agree.

Article 31

Status of Annexes

Regional Implementation Annexes and other Annexes form an integral part of this Convention and, unless expressly provided otherwise, a reference to this Convention constitutes a reference to its Annexes.

Article 32

Amendments to the Convention

1. Any Party may propose amendments to the Convention.

2. Amendments to the Convention shall be adopted at an ordinary session of the Conference of the Parties. The text of any proposed amendment shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the signatories to the Convention.

3. The Parties shall make every effort to reach agreement on any proposed amendment to the Convention by consensus. If all efforts at consensus have been exhausted and no agreement reached, the amendment shall, as a last resort, be adopted by a two-thirds majority vote of the Parties present and

voting at the meeting. The adopted amendment shall be communicated by the Secretariat to the Depositary, who shall circulate it to all Parties for their acceptance or approval.

4. Instruments of acceptance or approval in respect of an amendment shall be deposited with the Depositary. An amendment adopted in accordance with paragraph 3 shall enter into force for those Parties having accepted it on the ninetieth day after the date of receipt by the Depositary of an instrument of acceptance or approval by at least two-thirds of the Parties to the Convention.

5. The amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits with the Depositary its instrument of acceptance or approval of the said amendment.

6. For the purposes of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

[Article 33

Adoption and amendment of Annexes

1. Any additional Annex to the Convention and any amendment to an Annex [other than Regional Implementation Annexes] shall be proposed and adopted in accordance with the procedure for amendment of the Convention set forth in Article 32. The adoption or amendment of an Annex shall be communicated by the Depositary to all Parties.

[1 bis. Any amendment to a Regional Implementation Annex shall be proposed and adopted in accordance with the procedure for amendment of the Convention set forth in Article 32, provided that, in adopting such amendment, the majority as provided for in that Article includes a [two-thirds] [three-fourths] majority vote of the Parties present and voting of the region concerned.]

2. An Annex, or an amendment to an Annex, that has been adopted in accordance with paragraph 1 shall enter into force for all Parties to the Convention six months after the date of the communication by the Depositary to such Parties of the adoption of the Annex or of the amendment, except for those Parties that have notified the Depositary, in writing, within that period of their non-acceptance of the Annex or the amendment. The Annex or the amendment to an Annex shall enter into force for Parties which withdraw their notification of non-acceptance on the ninetieth day after the date on which withdrawal of such notification has been received by the Depositary.

3. If the adoption of an Annex or an amendment to an Annex [requires] involves an amendment to the Convention, that Annex or amendment to an Annex shall not enter into force until such time as the amendment to the Convention [has entered] enters into force.]

Article 34

Right to vote

1. Except as provided for in paragraph 2, each Party to the Convention shall have one vote.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to the Convention. Such an

organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

Article 35

Depositary

The Secretary-General of the United Nations shall be the Depositary of the Convention.

PART VI

FINAL PROVISIONS

Article 36

Signature

The Convention shall be open for signature at ..... , on ....., by States members of the United Nations or any of its specialized agencies or that are Parties to the Statute of the International Court of Justice and by regional economic integration organizations. It shall remain open for signature, thereafter, at the United Nations Headquarters in New York until ..... .

Article 37

Ratification, acceptance, approval and accession

1. The Convention shall be subject to ratification, acceptance, approval or accession by States and by regional economic integration organizations. It shall be open for accession from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

2. Any regional economic integration organization which becomes a Party to the Convention without any of its member States being a Party to the Convention shall be bound by all the obligations under the Convention. Where one or more member States of such an organization are also a Party to the Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.

3. In their instruments of ratification, acceptance, approval or accession, regional economic integration organizations shall declare the extent of their competence with respect to the matters governed by the Convention. They shall also promptly inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

Article 38

Interim arrangements

The Secretariat functions referred to in Article 25 will be carried out on an interim basis by the Secretariat established by the General Assembly of the United Nations in its resolution 47/188 of 22 December 1992, until the completion of the first session of the Conference of the Parties.

Article 39

Entry into force

1. The Convention shall enter into force on the ninetieth day after the date of deposit of the [sixtieth][fiftieth][fortieth][thirtieth] instrument of ratification, [acceptance, approval] or accession.

2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to the Convention after the deposit of the [sixtieth][fiftieth][fortieth][thirtieth] instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the ninetieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, [acceptance, approval] or accession.

3. For the purposes of paragraphs 1 and 2, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by States members of the organization.

Article 40

Reservations [or exception]

[No reservations [or exceptions] may be made to this Convention.]

Article 41

Withdrawal

1. At any time after [two][three] years from the date on which the Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.

2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.

[3. Withdrawal does not exempt the withdrawing Party from meeting the obligations and commitments which may have been entered into pursuant to the Convention in the implementation of projects and programmes.]

Article 42

Authentic texts

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed the present Convention.

DONE AT ..... , this ..... day of ..... one thousand nine hundred and ninety-four.